

SECOND REGULAR SESSION

HOUSE BILL NO. 2331

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BAKER.

4527H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 191.743, 196.866, and 196.868, RSMo, relating to public health.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 191.743, 196.866, and 196.868, RSMo, are repealed, to read as follows:

~~[191.743. 1. Any physician or health care provider who provides services to pregnant women shall identify all such women who are high risk pregnancies by use of protocols developed by the department of health and senior services pursuant to section 191.741. The physician or health care provider shall upon identification inform such woman of the availability of services and the option of referral to the department of health and senior services.~~

~~2. Upon consent by the woman identified as having a high risk pregnancy, the physician or health care provider shall make a report, within seventy-two hours, to the department of health and senior services on forms approved by the department of health and senior services.~~

~~3. Any physician or health care provider complying with the provisions of this section, in good faith, shall have immunity from any civil liability that might otherwise result by reason of such actions.~~

~~4. Referral and associated documentation provided for in this section shall be confidential and shall not be used in any criminal prosecution.~~

~~5. The consent required by subsection 2 of this section shall be deemed a waiver of the physician-patient privilege solely for the purpose of making the report pursuant to subsection 2 of this section.]~~

~~[196.866. 1. Every person, firm, association or corporation, before engaging in the business of manufacturing or freezing ice cream, mellorine, frozen dessert products or any other product defined in sections 196.851 to~~

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

4 ~~196.895, shall first obtain a license from the director of the department of~~
5 ~~health and senior services of the state of Missouri. A license shall be obtained~~
6 ~~for each plant or place of business where ice cream, ice cream mix, ice milk,~~
7 ~~sherbet, frozen malt, ice milk mix, mellorine, edible fat frozen dessert or ices~~
8 ~~are manufactured or frozen. Hotels, motels, restaurants, boardinghouses, or~~
9 ~~other concerns or agents which shall manufacture or freeze ice cream, or~~
10 ~~related frozen food products defined in sections 196.851 to 196.895 for the use~~
11 ~~of their patrons, guests, or servants, shall be required to take out the license~~
12 ~~herein provided for; provided, that nothing in this section shall apply to private~~
13 ~~homes, hospitals, churches, or fraternal organizations manufacturing such~~
14 ~~products for their own use or to retailers dealing in ice cream or frozen dessert~~
15 ~~products received in the final frozen form from a licensed manufacturer.~~

16 ~~2. Applications for such licenses, both frozen dessert and mellorine,~~
17 ~~shall be accompanied by a statutory fee as follows: For each plant producing~~
18 ~~annually not in excess of five thousand gallons, ten dollars; in excess of five~~
19 ~~thousand gallons and not in excess of fifteen thousand gallons, fifteen dollars;~~
20 ~~in excess of fifteen thousand gallons and not in excess of twenty-five thousand~~
21 ~~gallons, twenty-five dollars; in excess of twenty-five thousand gallons and not~~
22 ~~in excess of fifty thousand gallons, fifty dollars; in excess of fifty thousand~~
23 ~~gallons and not in excess of one hundred thousand gallons, seventy-five~~
24 ~~dollars; in excess of one hundred thousand gallons and not in excess of two~~
25 ~~hundred thousand gallons, one hundred dollars; in excess of two hundred~~
26 ~~thousand gallons and not in excess of four hundred thousand gallons, one~~
27 ~~hundred twenty-five dollars; over four hundred thousand gallons, one hundred~~
28 ~~fifty dollars, and shall be made to the director of the department of health and~~
29 ~~senior services, upon such forms and shall show such information as may be~~
30 ~~demand by the department of health and senior services, and the said~~
31 ~~director of the department of health and senior services, upon receipt of~~
32 ~~application for such license, shall cause to be investigated the equipment and~~
33 ~~the sanitary conditions of the plant or place of business for which the license is~~
34 ~~applied. If the condition of the plant or place of business is found to be~~
35 ~~satisfactory, a license shall be issued by the director of the department of~~
36 ~~health and senior services to such applicant.~~

37 ~~3. Each license so issued shall expire one year following the date of~~
38 ~~issuance. All licenses for plants or places of business, when the manufacture~~
39 ~~of ice cream, ice cream mix, ice milk, sherbets, or ices is continued after the~~
40 ~~expiration of such licenses, shall be renewed annually.~~

41 ~~4. The director of the department of health and senior services may~~
42 ~~withhold and refuse to issue a license for any plant or place of business that~~
43 ~~has not been conducted or is not prepared to be conducted in accordance with~~
44 ~~the requirements of sections 196.851 to 196.895 or any rules issued hereunder.~~
45 ~~The director of the department of health and senior services shall have the~~
46 ~~power to revoke any license issued under sections 196.851 to 196.895~~
47 ~~whenever it is determined by him that any of the provisions of sections~~
48 ~~196.851 to 196.895 have been violated. Any person, firm, association or~~
49 ~~corporation, whose license has been so revoked, shall discontinue operation of~~
50 ~~the business for which the license was issued until such time as the provisions~~
51 ~~of sections 196.851 to 196.895 have been complied with and a new license~~

52 granted by the director of the department of health and senior services. Before
53 ~~revoking any such license, the director of the department of health and senior~~
54 ~~services shall give written notice to the licensee affected, stating that he~~
55 ~~contemplates revocation of the same and giving his reasons therefor. Said~~
56 ~~notice shall appoint a time and place for hearing and shall be mailed by~~
57 ~~registered mail to the licensee at least ten days before the date set for the~~
58 ~~hearing or personal service rendered. The licensee may present to the director~~
59 ~~of the department of health and senior services such evidence as may have a~~
60 ~~bearing on the case, and, after hearing of the testimony, the director of the~~
61 ~~department of health and senior services shall decide the question in such~~
62 ~~manner as to him appears just and right.~~

63 ~~5. Any licensee who feels aggrieved at the decision of the director of~~
64 ~~the department of health and senior services may appeal from said decision~~
65 ~~within sixty days by writ of certiorari to the circuit court of the county in~~
66 ~~which such person resides or in case of a firm, association or corporation, the~~
67 ~~county in which is located its principal place of business.~~

68 ~~6. All fees collected under this section shall be deposited in the state~~
69 ~~treasury, subject to appropriation by the general assembly.]~~

2 ~~[196.868. Any person who operates a plant manufacturing or freezing~~
3 ~~ice cream, mellorine, frozen dessert products or any other product defined in~~
4 ~~sections 196.851 to 196.895, located outside of this state and sells, offers for~~
5 ~~sale or distributes the products in this state shall obtain a broker's license from~~
6 ~~the director and pay a broker's license fee, equivalent to the license fee~~
7 ~~provided in section 196.866, on all sales in this state, and shall be subject to~~
~~the other provisions of sections 196.851 to 196.895.]~~

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